

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1279 be amended to read as follows:

- 1 Page 11, line 12, delete "(as defined in".
- 2 Page 11, line 13, delete "IC 8-1-34-14)".
- 3 Page 30, delete lines 23 through 42, begin a new paragraph and
- 4 insert:
- 5 **"Sec. 1. As used in this chapter, "incumbent cable operator"**
- 6 **means the cable operator (as defined in 47 U.S.C. 522(5)) serving**
- 7 **the largest number of cable service subscribers in a particular**
- 8 **unit."**
- 9 Page 31, delete lines 1 through 6.
- 10 Page 31, line 7, delete "8." and insert "2."
- 11 Page 31, line 8, delete ":".
- 12 Page 31, delete line 9.
- 13 Page 31, line 10, delete "(2)".
- 14 Page 31, run in lines 8 and 10.
- 15 Page 31, line 10, delete "video service" and insert "cable".
- 16 Page 31, line 11, after "system" insert "(as defined in 47 U.S.C.
- 17 **522(7))"**.
- 18 Page 31, delete lines 12 through 42, begin a new paragraph and
- 19 insert:
- 20 **"Sec. 3. As used in this chapter, "unit" has the meaning set forth**
- 21 **in IC 36-1-2-23.**
- 22 **Sec. 4. As used in this chapter, "video programming" has the**
- 23 **meaning set forth in 47 U.S.C. 522(20).**
- 24 **Sec. 5. (a) An entity may not provide video programming by**
- 25 **means of any facilities, regardless of technology, that in whole or in**

1 part make use of public rights of way without a franchise.

2 (b) A unit shall make available to any other entity that seeks to
3 provide video programming by means of facilities that in whole or
4 in part make use of public rights of way, regardless of technology,
5 a local franchise containing identical terms and conditions to the
6 franchise in effect for the incumbent cable operator serving the
7 unit. After March 30, 2006, a franchise issued under this chapter
8 must contain terms and conditions that are no less burdensome on
9 the provider than the terms and conditions contained in the local
10 franchise in effect for the incumbent cable operator serving the
11 unit.

12 (c) The unit shall make the local franchise described in
13 subsection (b) available for execution not more than fifteen (15)
14 days after the receipt of a written application that is in a form
15 acceptable to the unit and that contains the information required
16 by the unit."

17 Delete pages 32 through 45.

18 Page 46, delete lines 1 through 40.

19 Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 20, 2006.)

Representative Kuzman